K

1949.

File No. C. Fees II/49 (IV)

Legal Department-

B BRANCH

Subject:— Notifications under the Court Fees Act 1871

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P-10
1949.

File No. C. Fees II/49. (IV)

235-K

Legal Department.

In place of the Revenue Department draft at page 9 ante, a revised draft notification is sent herewith.

Sd/- J.R. Dhurandhar,
12/3.

Additional Secretary to Government.

U.R. to R.D. No.2924, dated the 14th March 1949.

4-Cg.

M.V.V.
2/6.

NOTIFICATION.

Revenue Department,

Bombay Castle, May 1949.

Court Fees Act, 1870.

No. . In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (VII of 1870), in its application to the Province of Bombay, the Government of Bombay is pleased -

(A) to amend Government Notification in the Revenue Department No.590, dated the 16th September 1921 as follows; namely :-

In the said notification, for clause (9), the following shall be substituted, namely :-

"(9) to remit the fees payable under Article I in Schedule II -

(i) in respect of all applications to any Government Officer made by members of backward tribes, specified in Part II of the Thirteenth Schedule annexed to the Government of India (Provincial Legislative Assemblies) Order, 1936, (hereinafter referred to as the said backward tribes) living in the partially excluded areas in the Province of Bombay;

(ii) in respect of applications for leave to occupy, under direct engagement with the Provincial Government, land measuring 5 acres or less, of which the revenue is settled but not permanently -

(a) made by members of the said backward tribes living anywhere in the Province of Bombay;

(b) made by members of all backward classes living in the partially

P.T.O.

excluded areas in the Province
of Bombay;

(d) made by any person living in the
Districts of Nasik, East Khandesh,
West Khandesh and Kanara.

Explanation.- For the purposes of this clause, the partially excluded areas in the Province of Bombay means the areas declared to be so by the Government of India (Excluded and Partially Excluded Areas) Order, 1936"; and

(B) to cancel Government Notification, Revenue Department, No.142/28, dated the 10th June 1946.

By order of the Governor of Bombay,

Secretary to Government.

4-Cs.
M.V.V.
2/6.

Legal Department.

A revised draft notification is sent herewith.

2. The Orders remitting the Court-fees on applications made by the members of backward tribes under Article I in the Schedule II to the Court Fees Act are contained in the following notifications :-

(i) clause (9) of G.N., R.D. No.590, dated the 16th September 1921 as amended by G.N.,R.D.No.6693/45, dated the 15th May 1948;

(ii) G.N., R.D. No. 142/28, dated the 10th June 1946.

3. The proposed order being of wider character covers the order at (ii) above and in effect supersedes it and modifies indirectly the order at (i) above. To facilitate an easy reference it is better to have one order instead of two or three orders on the same subject. Clause (9) of the G.N., R.D. No.590 dated the 16th September 1921 has therefore been substituted embodying therein all the existing orders and the proposed order,

Sd/- J/ R. Dharandhar,
27/5.

Additional Secretary to Government.

U.R. to R.D.No. 5927, dated the 27th May 1949, along with

R.D. File No. 1460/46-I

4-Cs.

M.V.V.
2/6.

Legal Department.

A revised draft notification in place of the Revenue Department draft at page 7 is sent herewith.

Sd/- J.R.Dhurandhar
24/8.

Additional Secretary to Government.

U.R. to R.D. No.9531, dated the 24th August 1949.

4-Cs.

M.V.V.
2/6.

NOTIFICATION.

Revenue Department,

Bombay Castle, August 1949.

Court Fees Act, 1870.

No. . - In exercise of the powers conferred by section 35 of the Court fees ..... Act, 1870 (VII of 1870), in its application to the Province of Bombay, the Government of Bombay is pleased to remit till the 31st March 1950 .... the fees payable under Article 1 in Schedule II to the said Act on applications to an officer of Excise Department by a person holding a permit for possession of an intoxicant as defined in the Bombay Prohibition Act, 1949, for the grant of a permit for the transport of such intoxicant.

By order of the Governor of Bombay,

Secretary to Government.

E-Cs.

N.V.V.
2/6.

Legal Department.

A revised draft is sent herewith.

2. In the case of similar request for giving exemption to Aboriginals and Hill tribes in respect of application to any Government Officer, the class of people was described as "Backward tribes" as specified in Part II of the thirteenth Schedule annexed to the Government of India (Provincial Legislative Assemblies) Order, 1936. The same expression may be used in this notification.

Sd/- J.R.Dhurandhar,
22/8.

Additional Secretary to Government.

U.R. to H.D. No.9490, dated the 23rd August 1949.

4-Cs.

U.V.V.
2/6.

No.7249/5.
Home Department,
Bombay Castle, 1949.

NOTIFICATION.

Court Fees Act, 1870.

In exercise of the powers conferred by section 35 of the Court fees Act, 1870(VII of 1870) in its application to the Province of Bombay, the Government of Bombay is pleased to remit the Court fees payable by members of backward tribes specified in Part II of the Thirteenth Schedule annexed to the Government of India (Provincial Legislative Assemblies) Order 1936,in respect of documents of any of the kinds specified in the first or second schedule to the said Act, to be filed, exhibited or recorded in any civil or criminal court.

2. The above notification shall remain in force for a period of one year with effect on and from the date of this notification.

By order of the Governor of Bombay,

Deputy Secretary to the Government of Bombay,
Home Department.

4-Cs.
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2/6.

Legal Department.

... reasons how sub-clause(c) of clause(ii) of the G.N.R.D. dated 15th June 1949, came to be included in the notification have already been stated in the last sentence of the U.R. to R.D. No.5927 dated the 27th May 1949. The notification embodied at one place the then existing orders including the new orders. Sub-~~xxx~~ clause (c) does nothing but reproduces the orders contained in para 9(a) of the G.N.R.D. No.590 dated the 16th September 1921 which para now stands substituted under R.D.Notification at p.55, as the preamble would show.

2. The further proposal of R.D. to amend only sub-clause (b) of clause (ii) is not understood. It had been pointed out in U.R. to R.D. No.11468 dated 14th. October 1949 that except the orders contained in sub-clause (a) of clause (ii), other orders contained in other parts of the G.N.R.D.No.1589/45 dated the 15th June 1949 would not apply to (i) backward tribes or (ii) to backward classes or (iii) to other persons, living in the Dangs District. The R.D. however, proposes to amend sub-clause (b) of clause (ii) only and not other parts of the said notification namely clause (i). If it is decided to retain sub-clause (c) in view of what is stated in para 1 that sub-clause also would require amendment.

3. Incidentally, it may be pointed out that the expressions "Backward tribes" and "backward classes" are not synonymous as assumed by R.D. at "A" on p.92. The expression "backward tribes" would not fit in sub-clause (b) of clause (ii) as proposed by R.D. at P.92 as that sub-clause ~~xxxxxx~~ refers to the concession to the Backward classes.

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4. R.D. should take the necessary orders on the above points and refer the draft amendment for the scrutiny of the R.L.A., if necessary.

Sd/-J.R.Dhurandhar,
14/11.

Additional Secretary to Government.

U.R. to R.D.No.12927, dated 15th November 1949.

4-Cs.

M.V.V.
2/6.

Legal Department.

A revised draft notification is sent herewith.

Sd/- J.R.Dhurandhar,
11/11.

Additional Secretary to Govt.

U.O. to M.D. No.12783, dated the 12th Nov. 1949.

4-Cs.

M.V.V./2.6

NOTIFICATION.

Home Department,
Bombay Castle, 1949.

The Court-Fees Act, 1870.

No. .- In exercise of the powers conferred by section 35 of the court-fees Act, 1870(VIIof 1870) the Government of Bombay is pleased to remit the fees payable under Article 12 in Schedule I to the said Act in the Province of Bombay in respect of succession certificates granted by a District Judge of an Acceding State or of the State of Hyderabad under the law corresponding to the Indian Succession Act, 1925 (XXXIX of 1925)..

By order of the Governer of Bombay,

Secretary to Government.

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